

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WILLIAM I. KOCH, an individual,

Plaintiff,

vs.

ERIC GREENBERG, an individual, ZACHYS
WINE & LIQUOR STORE, INC., a New York
corporation; and ZACHYS WINE AUCTIONS,
INC., a New York corporation,

Defendants.

)
) Case No. 07 Civ. 9600 (BSJ)(DCF)
)

) ECF Case
)

) **NOTICE OF MOTION OF**
) **DEFENDANTS ZACHYS WINE &**
) **LIQUOR STORE, INC. AND**
) **ZACHYS WINE AUCTIONS, INC.**
) **TO DISMISS THE COMPLAINT**
)
)
)
)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Defendants Zachys Wine & Liquor Store, Inc. and Zachys Wine Auctions, Inc. (together, “Zachys”), by their attorneys Dickstein Shapiro LLP, will move this Court before the Honorable Barbara S. Jones, at the Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be decided by the Court, for an Order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that Zachys respectfully requests oral argument on the within motion.

Dated: New York, New York
December 19, 2007

DICKSTEIN SHAPIRO LLP

By: s/Deborah A. Skakel
Deborah A. Skakel (DS8599)
Lindsay A. Bush (LB0391)
1177 Avenue of the Americas
New York, New York 10036
(212) 277-6500
Attorneys for Defendants Zachys Wine & Liquor
Store, Inc. and Zachys Wine Auctions, Inc.

To: HUNTON & WILLIAMS LLP
200 Park Avenue
52nd Floor
New York, New York 10166-0136
(212) 309-1000

-and-

IRELL & MANELLA LLP
840 Newport Center Drive
Suite 400
Newport Beach, California 92660-6324
(949) 760-0991
Attorneys for Plaintiff

DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4844
Attorneys for Defendant Eric Greenberg